

Message Text

CONFIDENTIAL

PAGE 01 SAIGON 06964 281247Z

43

ACTION L-03

INFO OCT-01 EA-11 ISO-00 ACDA-19 MC-02 OIC-04 DPW-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 SAJ-01 SCA-01

DRC-01 /115 W

----- 058239

R 280957Z MAY 74

FM AMEMBASSY SAIGON

TO USMISSION GENEVA

INFO SECSTATE WASHDC 5158

USUN NEW YORK 661

C O N F I D E N T I A L SAIGON 6964

E.O. 11652: GDS

TAGS: PARM, PFOR, ICRC, VN, US

SUBJECT: ICRC CONFERENCE ON WEAPONS: GVN REPLY TO ICRC NOTE

REF: STATE 110101

1. IN ACCORDANCE WITH A REQUEST FROM MFA, PLEASE PASS TO GVN
REP LE VAN LOI FOR TRANSMISSION TO ICRC TEXT SET FORTH BELOW OF
GVN REPLY TO ICRC NOTE OF MAY 17. ENCLOSED MEMORANDUM MENTIONED IN
NOTE IS DOCUMENT ENTITLED "THE SELF-PROCLAIMED 'PROVISIONAL REV-
OLUTIONARY GOVERNMENT' IS NOT A GOVERNMENT IN SOUTH VIETNAM"
WHICH WAS SENT TO ALL GVN MISSIONS SEVERAL WEEKS AGO AND WHICH
LOI SHOULD ALREADY HAVE.

2. BEGIN TEXT. REPUBLIC OF VIET-NAM: MINISTRY OF FOREIGN AFFAIRS:
NO. 1112/BNG/VP. SAIGON, 24 MAY 1974. MR. ERIC MARTIN, PRESIDENT,
INTERNATIONAL COMMITTEE OF THE RED CROSS, GENEVA.

3. SIR; I HAVE THE HONOUR TO REFER TO THE SUBJECT OF A "CONFERENCE
OF GOVERNMENT EXPERTS ON WEAPONS WHICH MAY CAUSE UNNECESSARY
SUFFERING OR HAVE INDISCRIMINATE EFFECTS", TENTATIVELY SCHEDULED
FOR 24 SEPTEMBER - 18 OCTOBER 1974, AND ESPECIALLY TO NOTE NO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SAIGON 06964 281247Z

555/3.B DATED 17 MAY 1974 THAT THE INTERNATIONAL COMMITTEE OF THE

RED CROSS HAS SENT TO VARIOUS GOVERNMENTS.

4. I SHOULD LIKE TO DRAW YOUR ATTENTION TO THE FOLLOWING POINTS:

5. FIRSTLY, THE XXIIND INTERNATIONAL CONFERENCE OF THE RED CROSS (TEHRAN, NOVEMBER 1973), IN RESOLUTION XIV, HAD INVITED THH INTERNATIONAL COMMITTEE OF THE RED VROSS TO CALL IN 1974 A VONFERENCE OF GOVERNMENT EXPERTS TO SRUDY IN DEPTH THE QUESTION OF PROHIBITION OR RESTRICTION OF THE USE OF CONVENTIONAL WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS, AND TO TRANSMIT A REPORT ON THE WORK OF THE CONFERENCE TO ALL GOVERNMENTS PARTICIPATING IN THE DIPLOMATIC CONFERENCE ON HUMANITARIAN LAW HELD IN GENEVA WITH A VIEW TO ASSISTING THEM IN THEIR FURTHER DELIBERATIONS. THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS TAKEN NOTE OF THIS RESOLUTION.

6. ACCORDING TO THE LETTER AS WELL AS THE SPIRIT OF RESOLUTION XIV OF THE INTERNATIONAL CONFERENCE OF THE RED CROSS--A RESOLUTION FORMALLY CONFIRMED BY THE 28TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY--ONLY THE GOVERNMENTS WHICH PARTICIPATED IN THE GENEVA DIPLOMATIC CONFERENCE OF FEBRUARY 1974 ARE ENTITLED TO EXAMINE THE REPORTS SUBMITTED BY THE CONFERENCE OF GOVERNMENT EXPERTS ON WEAPONS. IT FOLLOWS THAT THERE IS NO LEGAL POSSIBILITY FOR THE "PRG OF SVN" WHICH THE GENEVA DIPLOMATIC CONFERENCE REFUSED TO ADMIT AS A MEMBER--TO BE INVITED BY THE ICRC, AS IT HAS NOT BEEN CONSIDERED AS A GOVERNMENT BY THE DIPLOMATIC CONFERENCE AND THEREFORE CANNOT HAVE ANY "GOVERNMENT EXPERTS" TO TAKE PART IN THE LUCERNE CONFERENCE.

7. THE ECRC NOTE OF 17 MAY 1974 ALSO REFERRED TO THE FACT THAT THE ICRC HAD BEEN APPROACHED ON SEVERAL OCCASIONS WITH A VIEW THAT IT SHOULD ACCEPT THE PARTICIPATION OF EXPERTS NOMINATED BY GOVERNMENTS OR OTHER BODIES WHICH WERE NOT REPRESENTED AT THE DIPLOMATIC CONFERENCE. IN THE VIEW OF MY GOVERNMENT, SUCH ACTION CLEARLY CONTRADICTS RESOLUTION XIV OF THE INTERNATIONAL CONFERENCE, AND THE ICRC BY TAKING SUCH ACTION INTO CONSIDERATION HAS GONE BEYOND ITS MANDATE AS EMBODIED IN THE ABOVE-MENTIONED RESOLUTION.

8. SECONDLY, THE ICRC'S MOVE MIGHT BE INTERPRETED AS AN ATTEMPT TO REOPEN THE ISSUE OF THE REPRESENTATION OF THE SELF-STYLED CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SAIGON 06964 281247Z

"PRG OF SVN"--AN ISSUE THAT THE DIPLOMATIC CONFERENCE UNEQUIV-OCALLY SETTLED ON 28 FEBRUARY 1974 BY A FORMAL VOTE. IT IS UNFORTUNATE AND INAPPROPRIATE THAT IT SHOULD BE RAISED AGAIN IN AN INDIRECT WAY. THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM HAS TO PLACE ON RECORD ITS FIRM PROTEST TO SUCH AN ATTEMPT, AND CONTEST THE VALIDITY OF THE PROCEDURE THAT THE ICRC HAS UNILATERALLY RESORTED TO.

9. IN THE VIEW OF MY GOVERNMENT--(A) VIEW WHICH HAS BEEN CONSISTENTLY AND REPEATEDLY EXPOUNDED AND WHICH HAS EXPLICITLY ADOPTED BY THE DIPLOMATIC CONFERENCE--THE SELF-STYLED "PRG OF SVN" CANNOT BE IN ANY SENSE QUALIFIED AS A "GOVERNMENT". FOR FURTHER CLARIFICATION OF THE POSITION OF MY GOVERNMENT REGARDING THIS MATTER, I WISH TO ENCLOSE HERewith A MEMORANDUM PREPARED BY THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIET-NAM ON THE ISSUE.

10. THIRDLY, THE ICRC NOTE OF 17 MAY 1974 REQUESTS THAT VARIOUS GOVERNMENTS LET IT KNOW IN WRITING THEIR VIEWS AND STATES THAT THE COMMITTEE WILL STAND BY THE WISHES EXPRESSED BY A MAJORITY OF THE REPLIES. SUCH A PROCEDURE TENDS TO IGNORE THE RESULT OF THE VOTE OBTAINED AT THE DIPLOMATIC CONFERENCE, AND CONSTITUTE WHAT AMOUNTS TO A NEW VOTE BY MAIL, ON AN ISSUE WHICH REQUIRES NO ACTION WHATSOEVER. IT IS REGRETted THAT SUCH ACTION WAS TAKEN WITHOUT PROPER EXAMINATION OF ITS LEGAL AND PRACTICAL REPERCUSSIONS. I WISH TO STATE THAT MY GIVERNMENT CONSIDERS IT AS UNFRIENDLY TO THE INTERESTS OF THE PEOPLE OF THE REPUBLIC OF VIET-NAM, AND THEREFORE STRONGLY OPPOSES IT.

11. I REQUEST THAT THE ICRC TAKE ALL NECESSARY MEASURES TO ENSURE THAT THE ICRC NOTE OF 17 MAY 1974 BE DECLARED INEFFECTUAL AS FAR AS ITS LEGAL EFFECTS ARE CONCERNED, ON THE GROUND THAT THE SAID NOTE IS INCONSISTENT WITH THE FORMAL VOTE ALREADY TAKEN BY THE DIPLOMATIC CONFERENCE.

12. YOURS SINCERELY, NGUYEN HOAN, ASSISTANT TO THE MINISTER FOR POLITICAL AFFAIRS, MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIET-NAM. END TEXT.
MARTIN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, DISARMAMENT, ARMS CONTROL MEETINGS, INVITATIONS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 28 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SAIGON06964
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740133-0396
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740514/aaaaaltj.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 110101
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by cunninfx>; APPROVED <26 MAR 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICRC CONFERENCE ON WEAPONS: GVN REPLY TO ICRC NOTE
TAGS: PARM, PFOR, VN, US, ICRC
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005